

DOCKETED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

OCT 19 1973

H. STUART CUNNINGHAM
At o'clock
CLERK

ALLIED LEISURE INDUSTRIES, INC.,)
)
Plaintiff,)
)
vs.)
)
MIDWAY MANUFACTURING CO.,)
)
Defendant.)

Civil Action No.
73 C 2682

AFFIDAVIT OF JAMES F. SEGGERSON

JAMES F. SEGGERSON, being duly sworn, states:

1. He resides at 1057 West Belden Avenue, Chicago, Illinois, and is Chicago District Manager of Empire Distributing, Inc., hereinafter called EMPIRE, of 120 South Sangamon Street, Chicago, Illinois.

2. EMPIRE is a wholly owned subsidiary of Bally Manufacturing Corporation and sells all products of Allied Leisure Industries, Inc., Plaintiff, hereinafter called ALLIED, including four player ping pong games under the name Allied Tennis Tourney in a five state area in the Midwest including Illinois. Approximately 500 of such ALLIED games have been sold by EMPIRE.

3. EMPIRE also sells products of Midway Manufacturing Co., Defendant, hereinafter called MIDWAY, particularly four

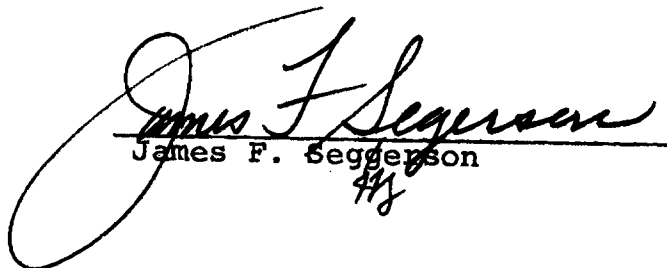
player ping pong games under the name "Winner Four" and has sold approximately 100 such games.

4. In dealing with the aforementioned ALLIED and MIDWAY four player ping pong games, EMPIRE purchases such games from ALLIED and MIDWAY and, in turn, sells the games to EMPIRE'S customers.

5. He is familiar with the price charged to EMPIRE by both ALLIED and MIDWAY for their respective four player ping pong games and, although the price listed by ALLIED is higher than the price listed by MIDWAY, due to discounts offered by ALLIED for quantity sales and cash payments, the net price paid by EMPIRE for each ALLIED game is substantially the same as the net price paid by EMPIRE for each comparable MIDWAY game.

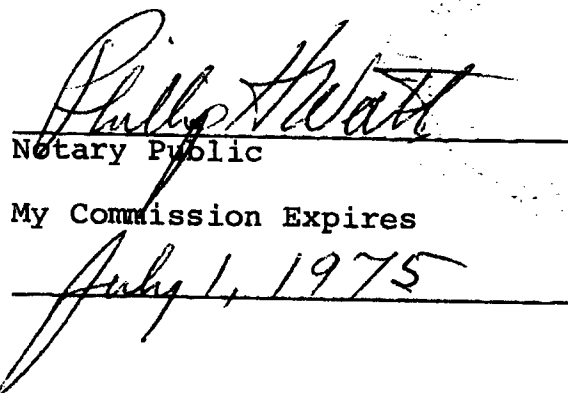
6. He is familiar with the printed circuit boards used in both the ALLIED and MIDWAY four player ping pong games and has observed service employees of EMPIRE act under his supervision and attempt to substitute the printed circuit boards of ALLIED in MIDWAY games and the printed circuit boards of MIDWAY in ALLIED games. He has observed that, although each board fits

physically in both games, the ALLIED game is inoperative with the MIDWAY board and the MIDWAY board is inoperative with the ALLIED board so that the respective boards are not interchangeable functionally.


James F. Segerson
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STATE OF ILLINOIS)
)
COUNTY OF C O O K) SS:

Subscribed and sworn to before me this 19th day of
October, 1973.


Notary Public
My Commission Expires
July 1, 1975